

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 14-01781 WHA

Plaintiff,

v.

1.41 ACRES OF LAND, more or less,  
situated in the City of Alameda, Alameda  
County, State of California, and THE  
STATE OF CALIFORNIA, acting by and  
through its Department of Parks and  
Recreation, and the EAST BAY  
REGIONAL PARK DISTRICT,

**FINAL JUDGMENT**

Defendants.

Pursuant to the stipulation signed and jointly filed herein by the Plaintiff, United States of America, and Defendants State of California, acting by and through its Department of Parks and Recreation (“State Parks”), and East Bay Regional Park District (“East Bay”), Final Judgment is hereby entered as follows:

1. On April 17, 2014, the United States filed a complaint in condemnation and a Declaration of Taking against real property owned by State Parks and operated by East Bay (Dkt. Nos. 1 & 5).

2. On April 28, 2014, pursuant to Plaintiff’s request (Dkt. No. 8), the Court directed the Clerk of the Court to deposit a check from the United States in the amount of Ten Dollars (\$10.00) into the registry of this Court (Dkt. No. 11). At that time, title to the property, to the

1 extent set forth in the Declaration of Taking, vested in the United States by operation of law. 40  
2 U.S.C. § 3114.

3 3. On December 31, 2014, the United States filed an amended complaint and  
4 Declaration of Taking (Dkt. Nos. 47 & 48).

5 4. The full just compensation payable by the United States for the taking of the property  
6 interests identified in the Amended Complaint in Condemnation (Dkt. No. 47) and Amended  
7 Declaration of Taking (Dkt. No. 48), the title to which has already vested in the United States,  
8 together with all improvements thereon and appurtenances thereunto belonging, shall be the  
9 sum of Ten Dollars and zero cents (\$10.00), inclusive of interest and costs.

10 5. Judgment shall be and hereby is entered against the United States in the amount of  
11 Ten Dollars and zero cents (\$10.00).

12 6. The said sum of Ten Dollars and zero cents (\$10.00) shall be just compensation and  
13 in full satisfaction of any and all claims of whatsoever nature against the United States by  
14 reason of the institution and prosecution of this action and taking of the said interests in lands  
15 and all appurtenances thereunto belonging.

16 7. The said sum of Ten Dollars and zero cents (\$10.00) shall be subject to all liens,  
17 encumbrances, and charges of whatsoever nature existing against the Property at the time of  
18 vesting of title thereto in the United States, and all such liens, encumbrances, and charges of  
19 whatsoever nature shall be payable and deductible from the said sum.

20 8. The Clerk of this Court shall, without further order of this Court, please disburse the  
21 sum of Ten Dollars and zero cents (\$10.00), payable to the order of "California Department of  
22 Parks and Recreation." The Clerk will please forward the disbursal check to:

23 California Department of Parks and Recreation  
24 Legal Office, Room 1404-6  
25 Attn: Leilani Yang  
1416 9th Street  
Sacramento, California 95814

26 Upon making the disbursal, the Clerk shall please file with the Court a notice of disbursal  
27 indicating the amount disbursed and the date of disbursal.  
28

9. Defendant State Parks has warranted that it was the sole owner of the subject property at the date of the taking, and that it has the exclusive right to the compensation herein, excepting the interests of parties having liens or encumbrances of record and unpaid taxes and assessments, if any, and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

10. In the event that any other party is ultimately determined by a Court of competent jurisdiction to have any right to receive compensation for the property taken in this case, State Parks shall refund into the registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at the rate of 52-week Treasury Bills, calculated in accordance with the provisions of 40 U.S.C. § 3116, from the date of receipt of the deposit by defendant to the date of repayment into the registry of the Court.

11. Defendants shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the Property on the date of taking.

12. By stipulation, the signatory parties hereto will take no appeal from this Stipulated Judgment.


13. Parties shall be responsible for their own legal fees, costs, and expenses (including attorney's fees, consultant's fees, and any other expenses).

14. This proposed stipulated judgment may be signed in counter parts.

15. The District Court shall retain jurisdiction to the extent needed to enforce this stipulated judgment for two years.

**IT IS SO ORDERED.**

Dated: October 21, 2015.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE